IN THE HIGH COURT OF CHHATTISGARH
AT: BILASPUR

W.P. No. 3048 OF 2004

PETITIONER: Shobha Ram Yadav, aged 34 years, son of Shri Anoop Ram Yadav, resident of near Balmukund School Yadav mohalla Talapara, Bilaspur, tehsil and district Bilaspur.

VERSUS

RESPONDENTS: (1) State of Chhattisgarh, through the Secretary, Forest department, Raipur.

(2) Divisional Forest Officer, Bilaspur Forest Division, Bilaspur (Chhattisgarh)

(3) Officer-In-Charge, Narangi Area, Survey and Demarcation Unit, Bilaspur, Forest Division Bilaspur (Chhattisgarh)

P. R. No. 3045/04
Presented by Shri I.C. Jamdar
dated 1-9-04

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND FOR OTHER SUITABLE WRIT/WRITS, ORDER/ORDERS, DIRECTION/ DIRECTIONS.

(44)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 3048 of 2004

Petitioner : Shobha Ram Yadav

Versus

Respondents : The State of Chhattisgarh & others

Shri Somnath Verma, counsel for the petitioner.
Shri Anupam Dubey, Panel lawyer for the respondents/State.

ORDER

(Passed on 2nd day of January, 2007)

1. Admittedly, the petitioner was appointed in the year 1983 on daily wages basis by the respondent-Forest Department at the Forest Division, Bilaspur. The petitioner has filed this petition seeking regularization of the petitioner on the basis of the circulars dated 25.9.1998 (Annexure P/3) and 10.12.1999 (Annexure P/4). The said circulars provide for regularization of muster-roll employees, who were appointed before 31.12.88. The said circulars (executive instructions) do not confer any right on the petitioner to seek regularization on the post, wherein the petitioner was working on daily wages basis.

2. It is well settled principle of law that the daily wagers, temporary or ad hoc employees have no right to the post seeking regularization and grant of regular pay scale, if their appointments were de-hors the constitutional scheme or the rules made under the proviso to Article 309 of the Constitution of India. The petitioner has no right to continue/regularize or reinstate on the post in view of catena of decisions laid down by the Supreme Court.

3. The writ petition is accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu